

ORIGINAL

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MONICA GARCIA,

Plaintiff,

v.

WILLIAM AMES CURTRIGHT, AMES

PROPERTIES LLC, AMES RESEARCH

LABORATORIES,

Defendants.

) Case No. **CV '11 - 6407 - HO -**
)
) COMPLAINT: NONPAYMENT OF WAGES AND
) VIOLATION OF FEDERAL MINIMUM WAGE
) LAW
)
) 1) FAIR LABOR STANDARDS ACT (29
) U.S.C. § 201 et seq.);
)
) DEMAND FOR JURY TRIAL
)
)
)

PRELIMINARY STATEMENT

1. Monica Garcia ("Plaintiff") brings this action against William Ames Curtright, Ames Properties, LLC, and Ames Research Laboratories ("Defendants") under the federal Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq., for unpaid wages. Plaintiff seeks wages due to her under 29 U.S.C. §§ 206, 207, 216(b), and liquidated damages for failure to pay wages under 29 U.S.C. § 216(b).

JURISDICTION

2. Jurisdiction for minimum wage claims exists under the FLSA, 29 U.S.C. § 216(b). Jurisdiction also exists under 28 U.S.C. § 1337 for claims arising under a federal statute regulating commerce.

COMPLAINT - 1

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PARTIES

3. Plaintiff was employed by William Ames Curtright, Ames Properties, LLC, and Ames Research Laboratories.

4. Plaintiff, Monica Garcia, is a resident of Oregon.

5. Defendants, Ames Properties, LLC, Ames Research Laboratories are Businesses in the State of Oregon.

6. Defendant William Ames Curtright is the owner of Ames Properties, LLC, Ames Research Laboratories.

FACTS

7. Defendant William Ames Curtright (Curtright) is the owner of Ames Properties, LLC, and Ames Research Laboratories.

8. On or about September 1, 2006, Curtright hired plaintiff to work cleaning his home and her husband a job at his business Ames Research Laboratories.

9. Although Plaintiff worked cleaning the home of Curtright and cleaning at his factory, Curtright would pay her through his businesses Ames Properties, LLC, and Ames Research Laboratories.

10. In July of 2007, Curtright's mother started to progress with Alzheimer's and Curtright requested Plaintiff care for his mother. Plaintiff would drive to Albany 6 days a week to care for Curtright's mother.

11. Plaintiff's worked from 9:00 A.M. to 6:00 P.M. 6 days a week. When Plaintiff received her first check for the care of Curtright's mother, she noticed that there was no overtime pay for the hours she worked over 40 hours. Plaintiff would receive vacation and overtime

1 pay while working for Ames Properties, LLC, and Ames Research
2 Laboratories.

3 12. When Plaintiff complained Curtright informed plaintiff that he
4 was aware that she was not an American Citizen, and that if she
5 complained he would have Plaintiff and her family deported.

6 13. Curtright made it clear that he was politically connected, had
7 been a candidate for Governor, and had friends in government that
8 would deport Plaintiff and her family.

9 14. In April of 2008, Curtright mothers Alzheimer's progressed and
10 she required 24 hour care. Curtright also wanted her removed from his
11 home. Under threats of deportation, Curtright required Plaintiff to
12 care for his mother 24 hours a day. Curtright force Plaintiff to use
13 her children's room in Plaintiff's house for the care of Curtright's
14 mother.

15 15. Curtright by use of threats forced Plaintiff to be with his
16 mother 24 hours a day stating in a letter dated November 13, 2008, "I
17 expect Monica to be with Mom all day and night. I have authorized an
18 adult sitter to be with Mom only while Monica cleans the house and on
19 Sundays during Church."

20 16. Plaintiff was required to stay with Curtright's mother 24 hours a
21 day. She was not given vacation. When Plaintiff did take family
22 trips she was required to bring Curtright's mother with her.

23 17. Plaintiff was paid less than \$5.00 an hour well below the federal
24 minimum wages.

25 18. Curtright used his businesses Ames Properties, LLC, and Ames
26 Research Laboratories to pay for the private care of his mother. This
27 use of business proceeds for his personal use.
28

COMPLAINT - 3

19. Defendants have also failed to pay the minimum wage of \$8.40 per hour as required by Oregon Law.

20. Plaintiff has made a demand for the unpaid wages.

CLAIMS FOR RELIEF

(First Claim - Violation of FLSA)

21. Plaintiff realleges paragraphs 1-20.

22. Under 29 U.S.C. § 206, Defendant is required to pay Plaintiff the federal minimum wage.

23. Under 29 U.S.C. § 207, Defendant is required to pay Plaintiff time and a half for time worked in excess of forty hours per week.

24. Under 29 U.S.C. § 216(b), Defendant owes Plaintiff unpaid wages in the amount of \$174,035.00 and an amount equal to the unpaid wages as liquidated damages.

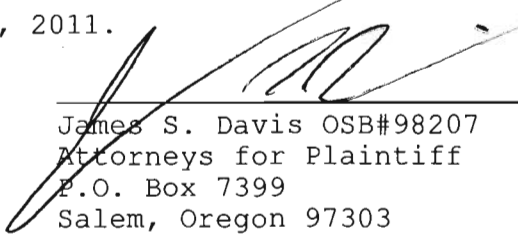
25. Plaintiff is entitled to costs and reasonable attorney fees, in an amount to be determined at trial, pursuant to 29 U.S.C. § 216(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment as follows:

1. Declare that the Defendant violated the Fair Labor Standards Act and applicable Oregon law by failing to pay wages as alleged;
2. Award of unpaid wages plus interest and liquidated damages under 29 U.S.C. § 216(b);
3. Award Plaintiff the cost and fees of maintaining this suit;
4. Grant such other relief as this Court deems just and proper.

DATED this 7th day of December, 2011.


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